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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/778,028

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EXAMINER

RUDOLPH, ISHMAEL A

ART UNIT

PAPER NUMBER

4194

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/778,028	<b>Applicant(s)</b> ZAHIR AZAMI ET AL.	
	<b>Examiner</b> Ishmael Rudolph	<b>Art Unit</b> 4194	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/2/2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 1-4 recite the limitation “the service center” in line 6. There is insufficient antecedent basis for this limitation in the claim. It is suggested to amend to –a service center—or define a service center earlier in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of 35 U.S.C. 102(e) which forms the basis for all anticipation rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 5, and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Whigham, U.S. Patent No. 6,584,309.

6. As to Claim 1, Whigham discloses:

“A method for authorizing a purchase transaction (Abstract), the method comprising the steps of:

- i. producing a unique transaction identification code (col. 2 ln. 44-45);
- ii. receiving a confirmation code from the service center (col. 2 ln. 48-50); and
- iii. authorizing a transaction when the received confirmation code corresponds to the unique transaction identification code (col. 2 ln. 46-48).”

7. As to Claim 2, Whigham discloses:

“The method of claim 1 wherein the unique transaction identification code is produced in response to a selection request (col. 2 ln. 54-63).”

8. As to Claim 5, Whigham discloses:

“A method for completion of a purchase transaction over a wireless network, the method comprising the steps of:

- i. receiving a transaction identification code (col. 1 ln. 59-61);
- ii. establishing a connection to a service center from a mobile wireless network device over a wireless network (col. 2 ln. 12-16);
- iii. using the connection to provide the transaction identification code to said service center (col. 2 ln. 33-43);
- iv. receiving a unique confirmation code from the service center (col. 2 ln. 44-47);
- and
- v. supplying the confirmation code to a vendor as payment on a transaction (col. 2 ln. 46-53).”

9. As to Claim 7, Whigham discloses:

“The method of claim 5, wherein the step of receiving a transaction identification code is performed in response to a selection request (col. 2 ln. 54-63).”

10. As to Claim 8, Whigham discloses:

“The method of claim 5 wherein the step of receiving a transaction identification code is performed over a wireless communication link (col. 1 ln. 66 – col. 2 ln. 2).”

11. As to Claim 9, Whigham discloses:

“The method of claim 8 wherein the wireless communication link is selected from one of:

- i. a Bluetooth protocol link;
- ii. a local area network; or
- iii. an infrared link (col. 1 ln. 59- col. 2 ln. 2).”

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 6, 10-13, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whigham in view of Kinoshita et al. (US 2003/0055792).

As to Claim 6, Whigham discloses the invention substantially as claimed. Whigham does not disclose the step of encrypting a received transaction identification code. Kinoshita discloses the encryption of a retrieved card number during a transaction process (¶ 0028). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Whigham to

include the process disclosed by Kinoshita because this would provide an increased level of security in protecting the transaction identification code.

As to Claim 10, Whigham discloses the invention substantially as claimed. Whigham does not disclose the steps of “decoding” the transaction identification code (TID), “producing an order synchronized code (OSC) based on the step of decoding the TID”, and “comparing the produced OSC to the decoded TID”. Kinoshita discloses these concepts at ¶ 0029, ¶ 0035, and ¶ 0076, respectively. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Whigham to include the process disclosed by Kinoshita because this would provide an increased level of security during the transaction process.

As to Claim 11, see the discussion of Claim 10.

As to Claim 12, Whigham discloses the invention substantially as claimed. Whigham does not disclose “the step of decrypting the TID”. This is disclosed in Kinoshita (¶ 0032). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Whigham to include the process disclosed by Kinoshita because this would provide an increased level of security during the transaction process.

As to Claim 13, see the discussion of claim 12.

As to Claim 16, Whigham discloses the invention substantially as claimed. Whigham does not disclose the steps of “decoding the TID to obtain a payment request amount” and “producing a payment authorization request from customer identification data and the payment request amount”. Kinoshita discloses these concepts at ¶ 0029 and ¶ 0040, respectively. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

Whigham to include the process disclosed by Kinoshita because this would provide an increased level of security during the payment process.

As to Claim 17, see the discussion of Claim 16.

As to Claim 18, see the discussion of Claim 16.

As to Claim 19, Whigham discloses the invention substantially as claimed. Whigham does not disclose the step of “decoding the TID to produce a vendor identification”. Kinoshita discloses this at ¶ 0032. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Whigham to include the process disclosed by Kinoshita because this would provide an increased level of security during the payment process.

As to Claim 20, see the discussion of Claim 19.

As to Claim 21, Whigham discloses the invention substantially as claimed. Whigham does not disclose the step of “decoding the TID to produce product dispenser inventory information”. Kinoshita discloses this at ¶ 0032. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Whigham to include the process disclosed by Kinoshita because this would provide an increased level of security during the payment process.

14. Claims 3-4 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whigham in view of Fransdonk (US 2003/0161476).

As to Claim 3, Whigham discloses the invention substantially as claimed. Whigham does not disclose the unique transaction code being “encrypted by a pseudo random number generator”. Fransdonk discloses a process of key/code encryption using a random number generator (¶ 0302-0303). It would have been obvious to one of ordinary skill in the art at the time

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of the invention to modify Whigham to include the process disclosed by Fransdonk because this would provide an increased level of security in protecting the transaction code.

As to Claim 4, see the discussion of Claim 3.

15. Claims 14-15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whigham in view of Kinoshita (US 2003/0055792) and further in view of Fransdonk (US 2003/0161476).

As to Claim 14, the combination of Whigham and Kinoshita (see Claim 10) does not disclose the “method...wherein the OSC is produced by a pseudo random number generator”. Fransdonk discloses this method at ¶ 0302-0303. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Whigham and Kinoshita to include the random number generation method In reply to: Fransdonk because this would additional security during the transaction process.

As to Claim 15, see the discussion of Claim 14.

/Ishmael Rudolph/

Examiner, Art Unit 4194

February 4, 2008

/Charles R. Kyle/

Supervisory Patent Examiner, Art Unit 4194